UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,872	12/09/2003	Charles J. Digate	APM-001AX	6743

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EXAMINER
CHOW, MING

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 December 2003_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _3-12-04_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Objections

1.   Claims 9, 10 recite "the step of inviting". There is insufficient antecedent basis for this limitation in the claim.

2.   Claim 11 recites "the step of determining.....are currently in-progress" (line 3-5). There is insufficient antecedent basis for this limitation in the claim.

3.   Claim 12 recites "the step of determining.....availability of the user" (line 3-5). There is insufficient antecedent basis for this limitation in the claim.

4.   Claim 13 recites "the step of determining.....availability of the user" (line 3-6). There is insufficient antecedent basis for this limitation in the claim.

5.   Claim 14 recites "the step of defining". There is insufficient antecedent basis for this limitation in the claim.

6.   Claim 17 recites "the step of defining.....being included in the group" (line 1-3). There is insufficient antecedent basis for this limitation in the claim.

7.   Claim 18 recites "the step of adding" and "the event". There is insufficient antecedent

basis for this limitation in the claim.

8.   Claim 19 recites "the step of requesting" and "the performance". There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. The phrase "each determining step" is not clearly defined. Multiple "determining

steps" are claimed in claim 1 (lines 9, 11, 18, 21, 24) and it is unclear which one is specifically

referred to.

Also, the claimed "the performing step" is not clearly defined. Multiple "performing steps" are

claimed in claim 1 (lines 1, 12, 15, 29, 31) and it is unclear which one is specifically referred to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 1-5, 7, 9, 10, 19, 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated

by Miloslavsky (US: 5946387).

For claims 1, 21, 22, Miloslavsky teaches on column 3 line 54-60, receiving calls from

customers and connecting the calls to operators (claimed "receiving a request for a realtime

group action").

Miloslavsky teaches on column 11 line 32-39, determining the status of an operator. The

calling customer initiates a call inherently indicating the calling customer's status is "available".

Miloslavsky teaches on column 11 line 20-23, a non-available operator has logged off

(the connection cannot be performed; claimed "determining whether the realtime group action

can be performed"). Therefore, Miloslavsky teaches "in the event the group action cannot be

performed based on the status (unavailable) associated with one user within the group,

determining one user to substitute" and "determining whether the group action can be performed

based on the status associated with each user within the group and the substitute".

Miloslavsky teaches on column 11 line 22-24, routing the call to the available operator

(claimed "in the event the group action can be performed.....performing the group action").

Regarding claims 2, 23, the determining of agent availability is based on the processing

of continuously updating transaction information (claimed "at least one rule").

Regarding claims 3, 4, the request (call to an operator) is a meeting activity between the

calling customer and the answering operator.

Regarding claims 5, 19, as rejections stated in claim 1, the step of determining the status

is in response to the call request (claimed "event notification").

Miloslavsky teaches on column 9 line 56-59, the call request (claimed "event

notification") indicates the calling customer (claimed "user") is using routing algorithms

(claimed "software program") on network elements (claimed "a client system").

Regarding claim 7, Miloslavsky teaches on column 11 line 20-24, forward to the next

available agent.

Regarding claims 9, 10, Miloslavsky teaches on Fig. 4, a call request is initiated before

the answering operator's status is determined. Therefore, the call request (claimed "inviting") is

delivered to each user whether or not the user is available or not.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 6, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky

as applied to claim 5 above, and in view of Zhu (US: 2002/0194272).

Regarding claim 6, Miloslavsky failed to teach "event notification indicates the one user

is using instant messaging client software". However, Zhu teaches on section [0006], at a call

center, two users are connected via the chat program (claimed "instant messaging client

software").

It would have been obvious to one skilled at the time the invention was made to modify

Miloslavsky to have the "event notification indicates the one user is using instant messaging

client software" as taught by Zhu such that the modified system of Miloslavsky would be able to

support the system users conveniences of connecting via a instant messaging software.

Regarding claim 20, Miloslavsky failed to teach "requesting the group action via a web

page". However, Zhu teaches on Abstract – requesting a communication link via a web browser

(claimed "web page").

It would have been obvious to one skilled at the time the invention was made to modify

Miloslavsky to have the teach "requesting the group action via a web page" as taught by Zhu

such that the modified system of Miloslavsky would be able to support the system users

conveniences of requesting a connection via a web page.

12.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as

applied to claim 7 above, and in view of Komatsu et al (US: 6914900).

Miloslavsky failed to teach "user agrees to participate the group action". However,

Komatsu et al teach on column 5 line 56-58, connection is based on subscriber's agreement.

It would have been obvious to one skilled at the time the invention was made to modify

Miloslavsky to have the "user agrees to participate the group action" as taught by Komatsu et al

such that the modified system of Miloslavsky would be able to support the system users

conveniences of obtaining user's agreement before connecting users.

13.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as

applied to claim 1 above, in view of Nguyen (US: 5689566), and further in view of Buscher et al

(US: 5506893).

Miloslavsky failed to teach "receiving a plurality of requests for group actions".

However, Nguyen teaches on Fig. 9, multiple requesters connected to the server.

It would have been obvious to one skilled at the time the invention was made to modify

Miloslavsky to have the "receiving a plurality of requests for group actions" as taught by Nguyen

such that the modified system of Miloslavsky would be able to support the system users

conveniences of receiving multiple connection requests.

Miloslavsky failed to teach "determining one or ones of group actions are currently in-progress". However, Buscher et al teach on column 1 line 40-43, a call is in progress can be determined by access and review a call record.

It would have been obvious to one skilled at the time the invention was made to modify Miloslavsky to have the "determining one or ones of group actions are currently in-progress" as taught by Buscher et al such that the modified system of Miloslavsky would be able to support the system users conveniences of determining calls that are in progress.

14.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as applied to claim 1 above, in view of Nguyen, and further in view of Yoshida et al (US: 6917676).

Miloslavsky failed to teach "receiving a plurality of requests for group actions". However, Nguyen teaches on Fig. 9, multiple requesters connected to the server.

It would have been obvious to one skilled at the time the invention was made to modify Miloslavsky to have the "receiving a plurality of requests for group actions" as taught by Nguyen such that the modified system of Miloslavsky would be able to support the system users conveniences of receiving multiple connection requests.

Miloslavsky failed to teach "determining which one or ones of the group actions are pending based on the availability". However, Yoshida et al teach on column 4 line 25-52, connection pending (waits for a reply) until availability is confirmed.

It would have been obvious to one skilled at the time the invention was made to modify Miloslavsky to have the "determining which one or ones of the group actions are pending based

on the availability" as taught by Yoshida et al such that the modified system of Miloslavsky

would be able to support the system users conveniences of pending a connection until an

availability is confirmed.

15.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as

applied to claim 1 above, in view of Nguyen.

Miloslavsky failed to teach "receiving a plurality of requests for group actions".

However, Nguyen teaches on Fig. 9, multiple requesters connected to the server.

It would have been obvious to one skilled at the time the invention was made to modify

Miloslavsky to have the "receiving a plurality of requests for group actions" as taught by Nguyen

such that the modified system of Miloslavsky would be able to support the system users

conveniences of receiving multiple connection requests.

16.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as

applied to claim 1 above, in view of Beasley et al (US: 6804334).

Miloslavsky failed to teach "defining the group of users". However, Beasley et al teach

on column 12 line 19-20, defining a caller group.

It would have been obvious to one skilled at the time the invention was made to modify

Miloslavsky to have "defining the group of users" as taught by Beasley et al such that the

modified system of Miloslavsky would be able to support the system users conveniences of

defining members of the group.

17.　　Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as applied to claim 14 above, in view of Beasley et al, and further in view of Fukuda et al (US: 6760322).

Miloslavsky in view of Beasley et al as stated in claim 14 above failed to teach "determining a time for the group action". However, Fukuda et al teach on column 1 line 5-8, setting a schedule (reads on claimed "calendar" for claim 16) for connection.

It would have been obvious to one skilled at the time the invention was made to modify Miloslavsky in view of Beasley et al to have "determining a time for the group action" as taught by Fukuda et al such that the modified system of Miloslavsky in view of Beasley et al would be able to support the system users conveniences of setting a time for connection.

18.　　Claims 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky as applied to claim 14 above, in view of Beasley et al, and further in view of Kundaje et al (US: 2003/0224816).

Miloslavsky in view of Beasley et al as stated in claim 14 above failed to teach "determining whether or not each respective user accepts being included in the group". However, Kundaje et al teach on section [0028], accepting to join the group by pressing a "*".

It would have been obvious to one skilled at the time the invention was made to modify Miloslavsky in view of Beasley et al to have "determining whether or not each respective user accepts being included in the group" as taught by Kundaje et al such that the modified system of Miloslavsky in view of Beasley et al would be able to support the system users conveniences of accepting users to join the group.

Conclusion

19.   The prior art made of record and not replied upon is considered pertinent to applicant's

disclosure.

- US: 6865267.

20.   Any inquiry concerning this application and office action should be directed to the

examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally

be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner

by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571)

272-7547. Any inquiry of a general mature or relating to the status of this application or

proceeding should be directed to the Customer Service whose telephone number is (571) 272-

2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

Ming Chow